

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-00593 **AUG 25 1998**

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be reconsidered for promotion to the grade of chief master sergeant (E-9) for the 95E9 promotion cycle, with the Letter of Evaluation (LOE), closing 14 December 1994, filed in his selection folder, and that his records be rescored.

RESUME OF CASE:

On 17 December 1996, the Board considered and denied a similar appeal by the applicant. A summary of the evidence considered by the Board and the rationale for its decision is set forth in the Record of Proceedings, AFBCMR 96-00593, which is attached at Exhibit G.

On 30 October 1997, the applicant provided additional evidence, which was forwarded to the Board through SAF/MI, for possible reconsideration of his application (Exhibit H).

APPLICANT CONTENTS THAT:

He disagrees with the findings of the Board in his case and believes that the evidence provides adequate support for his contentions. He believes the facts verify that HQ AFPC failed to update his master promotion file, lost his performance and decoration data and did not look at his complete master promotion file before automatically identifying him as a nonselect in 1995. In further support of his appeal, he provided additional documents associated with the issues cited in his contentions. A complete copy of the applicant's submission is at Exhibit H.

THE BOARD CONCLUDES THAT:

In earlier findings, we determined that there was insufficient evidence to warrant any corrective action regarding the applicant's request for promotion reconsideration to the grade of chief master sergeant (E-9). We are unpersuaded by the additional evidence presented that the Enlisted Performance Report (EPR), closing 17 April 1995, was not reviewed by the 95E9 Evaluation Board or that the supplemental evaluation board violated established policy by electing not to rescore the applicant's record or that its decision was an abuse of its discretionary authority. In this respect, we note AFI 36-2502 stipulates that rescoring is optional for supplemental promotion board consideration. With regard to the LOE being filed in his Senior Noncommissioned Officer Selection Record (NSR), we note that LOEs are not required to be filed in the selection record. The applicant's assertions that the promotion board was unaware of his performance while assigned temporary duty (TDY) were duly noted. However, we compared the LOE in question with the EPR, closing 17 April 1995, and it appears that the evaluators extracted pertinent data from the LOE at the time the EPR was rendered. As to the aforementioned EPR being a certified copy in lieu of the original EPR being filed in his selection record, it is our opinion that the certified copy did not lessen the importance of the evaluation of his performance during the period in question. In addition, other than his own assertions, no evidence has been provided to substantiate that the EPR was not filed in his selection record at the time he was considered for promotion. With regard to the applicant's contentions concerning the conflicting data verification record (DVR) and the selection record, we note that, due to the missing data in his selection record, he was provided supplemental promotion consideration in accordance with established policy and procedures. Notwithstanding the applicant's assertions, we find no evidence which would lead us to believe that the applicant was not fairly considered for promotion in the supplemental process or that he was treated substantially different than others similarly situated. In view of the above, and in the absence of evidence to the contrary, we adhere to the original decision to deny the appeal. Accordingly, the applicant's request is not favorably considered.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 15 May 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Jackson A. Hauslein, Member
Mr. David W. Mulgrew, Member

The following documentary evidence was considered:

Exhibit G. Record of Proceedings, dated 6 Feb 97.
Exhibit H. Letter from applicant, dated 30 Oct 97, w/atchs.


THOMAS S. MARKIEWICZ
Panel Chair